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HB 410

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MONTANA SECRETARY OF STATE

LINDA McCULLOCH

HB 410: Third Party Voter Registration
House State Administration, RM 455
February 14, 2013 @ 8:00 a.m.
Secretary of State Linda McCulloch's Testimony

Good morning Madam Chair, members of the Committee. For the record, I am Linda McCulloch, Montana Secretary of State.

As Chief Elections Officer for Montana, I am committed to upholding the integrity of elections in our state. Thanks in part to my staff and to Montana's 56 county Election Administrators, we have secure, accurate and accessible elections that are open to every eligible voter.

My opposition to this bill in no way suggests opposition to the uniform application of Montana's election laws and to integrity in the elections process. Ensuring a streamlined and secure elections process is of utmost importance to me, and it's a responsibility that I take seriously.

My overall concern with this bill is that there are conflicting messages. It states there will be a penalty for not adhering to certain requirements, but there is no clarification for investigative or enforcement authority. Who will be expected to monitor the requirements? Are local law enforcement or the county attorney expected to prosecute someone for turning an application in a day or two late?

A real consequence of this bill is that voter registration and absentee ballot applications could be discarded – rather than turned in to the elections office. I think we can all agree that individuals who have had a completed application for more than 3 days would likely throw it out, instead of risk being prosecuted for not turning it in on time. It would be unlawful under this Act to throw out registrations, but how is someone to know if an individual or group has done so?

There seems to be greater consequences for someone who chooses to hand deliver applications for voter registration or for absentee ballot, versus those who mail them in. If you mail them in, you can wait as long as you want after the applications are signed, since the 3 days begins on the postmark date. But if you deliver them in person, you must deliver them within 3 days of the date the application is signed. Since county election offices can still accept and process these applications, why would an individual be prosecuted for keeping the application in a secure place and turning it in a few days later?

Are you willing to imprison a first time campaign volunteer for 6 months because they turned in a voter registration application after the 3-day deadline? What about the

candidate who takes applications on the campaign trail and who doesn't live near the county courthouse? Or the family member who picks up Grandma or Grandpa's application, and forgets about it for a week?

This increased potential for applications to be thrown out consequently increases the potential for voters to think they are registered, but who later find out on Election Day that they are not. Luckily, right now we have a fail-safe for these types of circumstances. If a registration drive makes a mistake, the voter (who did nothing wrong) can still register and vote on Election Day.

The provisions in this bill will only create longer lines and voter confusion on Election Day, as more Montanans will be showing up at the polls under the assumption that they are already registered to vote. What if Election Day registration is outlawed, what is the voter to do on Election Day?

This bill does not streamline the process or ensure integrity. In fact, it could punish a voter for the actions of a third party. Montana is a large state, and it will probably prove to be difficult to collect, process, and turn in voter registration or absentee applications within 3 days of signing. Some voter registration groups do quality control, which the counties expect and sometimes require them to do. The 3-day requirement will certainly put an end to any kind of quality control, and will put the burden of tracking down applicants to correct or complete applications squarely on the county election offices.

This bill would require new voter registration and absentee ballot applications to be designed and printed. Currently, these applications do not include a designated area for third party groups and Election Administrators to include a stamp for any reason, and therefore a larger format would be required. The new forms will not only cost the state and county election offices about \$8,000 each, but a larger format will also raise postage for mailing of the applications since it will no longer fit into a standard postcard-sized form.

I urge you to support the fundamental right for all eligible Montanans to easily participate in elections by making the registration system more efficient, and not more complicated. I support efforts to educate and train third party voter registration groups, but I cannot support bureaucratic restrictions and deadlines that can potentially punish a voter who has done everything correct and on time.

I urge you to consider the real implications and the increased workload this bill would place on county election officials.

If the intent of this bill is a more streamlined elections process, it missed the mark. Contrary to the bill's title, a "no" vote supports the integrity and accessibility of Montana elections.

Thank you for your time.